

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

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<b>PETER A. SPALLUTO and</b>	.	
<b>ACCESS WITH SUCCESS, INC.,</b>	.	<b>CIVIL ACTION NO. 04-10249-WGY</b>
	.	
<b>Plaintiffs,</b>	.	
	.	
<b>v.</b>	.	
	.	
<b>KSA REALTY TRUST, RICHARD L.</b>	.	
<b>FRIEDMAN, JOHN HALL II, PETER</b>	.	
<b>DIANA and GARY GIANINO,</b>	.	
<b>TRUSTEES,</b>	.	
	.	
<b>Defendants.</b>	.	

. . . . .

**ASSENTED TO MOTION FOR EXTENSION OF TIME TO**  
**ANSWER OR RESPOND TO COMPLAINT**

Defendants KSA Realty Trust, Richard L. Friedman, John Hall II, Peter Diana and Gary Gianino, Trustees ("Defendants" or "KSA"), hereby move this Court for an extension of forty-five (45) days to answer the complaint of plaintiffs Peter A. Spalluto ("Spalluto") and Access with Success, Inc. ("AWS"). Plaintiffs have assented to this motion. In support of their motion, Defendants state as follows:

1. Defendants are the owners and operators of The Charles Hotel in Cambridge. Defendants are engaged in discussions with Plaintiffs to resolve the issues raised in the Complaint. In order to do so, Defendants have retained an expert to conduct an accessibility assessment of the facilities. Plaintiffs also have retained an expert. The parties are coordinating the facilities assessment so that both experts can participate. Due to scheduling conflicts among the experts, the earliest date available for the facilities inspection and assessment is April 23, 2004.

2. Plaintiffs are not prejudiced by the delay. On the contrary, the ability of the parties to resolve the dispute is enhanced by the completion of a study of the accessibility of the facilities. Often the inspection of the facilities and review by the experts of the accessibility assessment takes place later in the proceedings. However, in this case the parties are cooperating to have the accessibility review conducted at the outset of the proceedings in order to make a good faith, joint effort to settle the case promptly. By granting the requested extension, the parties can concentrate on resolving the dispute without spending unnecessary time and money on the litigation.

3. Plaintiffs have assented to this motion.

**WHEREFORE**, Defendants respectfully request that this Court grant them an extension of forty-five-days to file an answer or otherwise respond to the complaint.

Respectfully submitted,  
KSA REALTY TRUST, RICHARD L.  
FRIEDMAN, JOHN HALL II, PETER  
DIANA and GARY GIANINO, TRUSTEES,  
By their attorneys,

/s/ Joseph P. Davis III  
Joseph P. Davis III (BBO #551111)  
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DATED: March 22, 2004

ASSENTED TO BY PLAINTIFFS' COUNSEL,

/s/ Nicholas S. Guerrera  
Nicholas S. Guerrera (BBO #551475)  
SHAHEEN GUERRARA & O'LEARY LLC  
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(978) 689-0800

**CERTIFICATE OF SERVICE**

I, Joseph P. Davis III, Esq., counsel for defendants, hereby certify that a true and correct copy of the foregoing was served by facsimile and first-class mail, postage prepaid, on plaintiffs' counsel this 22<sup>nd</sup> day of March 2004.

/s/ Joseph P. Davis III